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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte NORIYUKI SAKOH and TAKESHI IWATSU

Appeal 2010-008257
Application 10/566,630¹
Technology Center 2100

Before JOHN A. JEFFERY, JAMES D. THOMAS, and
CAROLYN D. THOMAS, *Administrative Patent Judges*.

C. THOMAS, *Administrative Patent Judge*.

DECISION ON APPEAL²

¹ Application filed January 31, 2006. The real party in interest is Sony Corporation.

² The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF THE CASE

Appellants seek our review under 35 U.S.C. § 134 of the Examiner's final decision rejecting claims 1, 3-11, and 13-18, which are all the claims remaining in the application, as claims 2, 12, and 19 are cancelled. We have jurisdiction over the appeal under 35 U.S.C. § 6(b). An Oral Hearing was held September 1, 2010.

We AFFIRM.

The present invention relates to a data display control device. (Spec.,

1.)

Claim 1 is illustrative:

1. A data display control device comprising:
 - a database storing a plurality of text data with at least a first length;
 - search means for searching the database for at least one piece of text data with the first length, based on an input search key;
 - a hardware display including a display area configured to display text data from the database, the display area having a width;
 - control means for obtaining partial text data with a second length that is smaller than the first length and corresponding to the width of the display area, out of the at least one piece of text data found by the search means, from the database, and to display the partial text data on the display area; and
 - scrolling means for horizontally scrolling display of the partial text data and remaining text data on the display area after receiving a command from a user, the remaining text data being all the text data other than the partial text data, the scrolling means obtaining the remaining text data from the database and automatically horizontally scrolling the remaining text data after the partial text data, the scrolling means automatically vertically scrolls other pieces of text data after automatically horizontally scrolling the remaining text data after the partial text data.

Appellants appeal the following rejection:

Claims 1, 3-11, and 13-18 under 35 U.S.C. § 102(e) as being anticipated by Tsuk (US Patent Application Publication No. US 2003/0076301 A1, Apr. 24, 2003).

FACTUAL FINDINGS

Specification

1a. Appellants' Specification discloses that "it is configured that the CPU 11 of the client terminal CT obtains the part of data after the 32 [Byte] from the music information storage area of the hard disk drive 21 and displays it only when the instruction for subsequent scrolling is given from the user." (Spec. 21.)

1b. Appellants' Specification further discloses that "it can immediately scroll to display longitudinally on the display 17, following the user's instruction after the first title is displayed." (*Id.*)

Tsuk

2a. Tsuk discloses that "[a] rotational user action supplied by a user via a user input device can provide accelerated scrolling." (Abstract.)

2b. In Tsuk, "[t]he direction of scrolling can vary depending on implementation. For example, scrolling may be implemented vertically (up or down) or horizontally (left or right)." (§ [0068].)

ANALYSIS

Claims 1, 3-11, and 13-18

Appellants argue claims 1, 3-11, and 13-18 as a group (App. Br. 5-8). For claims 3-11 and 13-18, Appellants repeat the same argument made for claim 1 (*id.*). We will, therefore, treat claims 3-11 and 13-18 as standing or falling with claim 1. *See* 37 C.F.R. § 41.37(c)(1)(vii). *See also In re Young*, 927 F.2d 588, 590 (Fed. Cir. 1991).

Appellants contend that Tsuk “fails to describe *any* automatic scrolling.” (App. Br. 7, *see also* Reply Br. 2.)

Issue: Did the Examiner err in finding that Tsuk discloses that “the scrolling means automatically vertically scrolls other pieces of text data after automatically horizontally scrolling the remaining text data after the partial text data” as recited in claim 1?

The Examiner found:

The vertical and horizontal steps are argued to be automatic. But the first section of the scrolling step describes the partial text data to be the “remaining text data”, which is horizontally scrolled after receiving “a command from a user.” Thus, the step of scrolling the data horizontally and vertically is initiated by a user command and not *automatically*.

(Ans. 7.)

In essence, Appellants contend that the claimed horizontal and vertical scrolling steps are automatically performed without any instantaneous user input and Tsuk only describes manual scrolling (App. Br. 7.)

We start by noting that Appellants have not shown any support or description in Appellants’ Specification for the claimed “automatically

scrolling.” The record shows that the claimed “automatically horizontally scrolling” and “automatically vertically scrolls” limitations were added by amendments filed May 29, 2008 and September 19, 2008, respectively. However, Appellants have not shown and we do not readily find where such an “automatic” feature is supported in Appellants’ Specification as originally filed. In fact, Appellants’ representative was asked during an Oral Hearing held September 1, 2010 to identify in the disclosure where such an “automatic” feature was described and no response was noted.

On the other hand, Appellants’ Specification discloses that data is displayed “only *when an instruction for subsequent scrolling is given from the user*” (FF 1a-1b). In other words, Appellants’ Specification merely discloses scrolling *when* receiving a user’s instruction. We find that the above-noted disclosure in Appellants’ Specification implies that user input is somehow translated to a scrolling function, i.e., there is a nexus between the two.

The Examiner found that the claimed scrolling steps are initiated by a user and not solely automatic (Ans. 7). We agree. Given the lack of disclosure regarding “automatically scrolling” and the explicit recitation “*after receiving a command from a user*” (claim 1) (emphasis added), we find that the scope of claim 1 includes receiving a scrolling instruction prior to any scrolling action, either horizontally or vertically.

A claim meaning is reasonable if one of ordinary skill in the art would understand the claim, read in light of the specification, to encompass the meaning. *See In re Am. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004). Here, we find that one of ordinary skill in the art would *not* understand the claim to encompass “automatically scrolling” in an isolated

sense, but rather a scrolling function that requires some type of user instruction first, given the explicit disclosure of receiving a scrolling instruction prior to any scrolling.

Tsuk discloses a rotational user input device for providing accelerated scrolling (horizontally and vertically) (FF 2a-2b). In other words, Tsuk discloses receiving a command from a user in the form of a rotational user action prior to displaying a scrolling function. In Tsuk, the rotational user action is transformed into linear action with respect to a graphical user interface (Tsuk, Abstract). We find that one of ordinary skill in the art would recognize that the transformation of the user action to linear action is done *automatically* by the system. Thus, we find that Tsuk's scrolling function is consistent with the claimed features as described in Appellants Specification. As such, we find that the claimed "automatically horizontally scrolling" and "automatically vertically scrolls" feature reads on Tsuk's above-noted scrolling functions.

Based on the record before us, we find that the Examiner did not err in rejecting claim 1. Accordingly, we affirm the rejection of claim 1, as well as claims 3-11 and 13-18 which fall therewith.

DECISION

We affirm the Examiner's § 102 rejection.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv) (2009).

AFFIRMED

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